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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,885	08/29/2001	William C. Altmann	19570-05997	9823
7590	06/14/2005		EXAMINER	
Paul L. Hickman PERKINS COIE LLP Patent Attorney P.O. Box 2168 Menlo Park, CA 94026-2168			LAMARRE, GUY J	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary**Application No.**

09/942,885

Applicant(s)

ALTMANN, WILLIAM C.

Examiner

Guy J. Lamarre

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 March 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-23 and 25-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-23 and 25-34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Response to Amendment

- This office action is in response to Applicants' amendment of 7 March 2005.
- **Claims 1-23 and 25-34** remain pending.
- The objections to the oath and prior art claim rejections of record are maintained in response to Applicants' amendment.

Response to Arguments

* Applicants' arguments have been fully considered, but are not deemed persuasive because the prior art of record does not limit/restrict signal timing requirements exclusively to audio/video/auxiliary/control signals of equal duration as alleged. Since these signals (audio/video/auxiliary/control signals) have different timing components/wave characteristics, such components must de facto be observed/identified/managed accordingly via non-equal timing means.

In regards to the format language of cancelled claim 24, Examiner maintains that the prior art of record deals with signal formatting as claimed because such is a design requirement for composite data processing, as seen in **Koo**'s Fig. 4, e.g., decoding/buffering blocks.

Claim Rejections - 35 USC ' 102

1. **Claims 1-8, 11-13, 16-18, 21-23, 25-27 and 29-34** are rejected under 35 U.S.C. 102 (b) as being anticipated by **Koo** (US Patent No. 5,940,070; issued 17 Aug. 1999-IDS).

As per Claims 1-8, 11-13, 16-18, 21-27 and 29-34, Koo depicts, e.g., in Fig. 4 and related description at col. 2 line 2 et seq., the claimed data signal communications means wherein 'data transmission apparatus for transmitting an audio signal through a video signal cable for a computer system including a monitor having a sound speaker. The computer system includes an audio generating device for generating an audio signal; a video generating device for generating

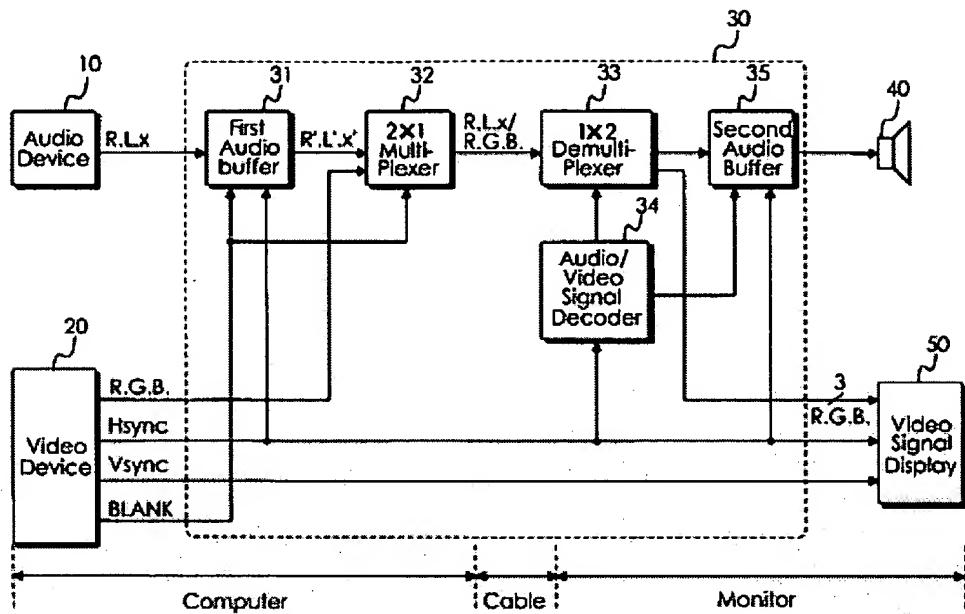


FIG. 4

a video signal and synchronization signals, a first audio buffer for temporarily retaining the audio signal and outputting the audio signal during a blanking interval of the video signal in accordance with the synchronization signals; and a multiplexer for multiplexing the audio signal with the video signal by inserting the audio signal into the blanking interval of the video signal and for generating a multiplexed signal. A video signal cable is connected between the computer system and the monitor for transmitting the multiplexed signal from the computer system to the monitor. The monitor includes a demultiplexer connected to the video signal cable, for demultiplexing the multiplexed signal received from the video signal cable by separating the audio signal and the video signal from the multiplexed signal in accordance with a control signal and for generating a separated audio signal and a separated video signal; a second audio buffer for temporarily retaining the separated audio signal and outputting the separated audio signal to the sound speaker for sound production in accordance with the control signal and the synchronization signals; and a video display for simultaneously enabling a visual display of the

separated video signal on a screen in accordance with the synchronization signals. The data transmission apparatus constructed according the principles of the present invention seeks to advantageously transmit the audio signal to the monitor for sound reproduction without requiring a separable audio cable,” mux/demux means in Figs. 4,6: blocks 32-33, decoding/coding means in Figs. 4,6: blocks 34, video display means via computer monitor, sync/retiming means via Figs. 2-3, and 5.

Claim Rejections - 35 USC ' 103

2. Claims 9-10, 14-15, 19-20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Koo** (US Patent No. 5,940,070; issued 17 Aug. 1999-IDS) and of **Limberg** (US Patent No. 5,555,024; issued 10 Sept. 1996).

As per Claims 9-10, 14-15, 19-20 and 28, Koo substantially discloses the claimed data signal communications means.

Not specifically described in detail in **Koo** is the step whereby ECC means is provided. **However Koo does not restrict** signal communications means exclusively to non-ECC models: as seen in col. 7 line 39 et seq., **Koo does provide for data protection means via noise detection/reduction**. Thus other signal communications means embedding thereinto ECC means does not depart from **Koo's** disclosure.

Accordingly, Limberg, in an analogous art, discloses '*Transmitters for burying digital signals within the trace and retrace intervals of NTSC television signals*,' wherein such communications means embedding thereinto ECC means is described, e.g., in Fig. 10:block 900, a portion of which is depicted below.

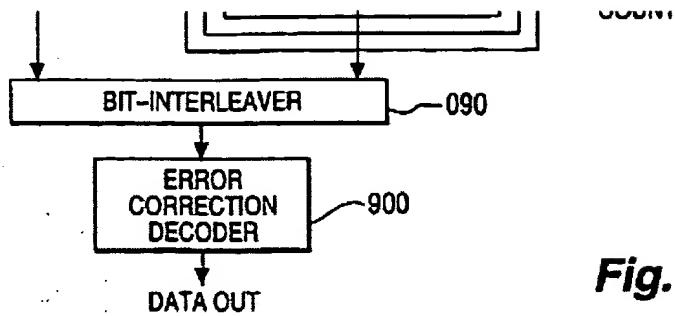


Fig. 10

“The digitized quadrature-phase video detector response is subjected to digital frame-comb and line-comb filtering to suppress remnant composite video signals; the comb filtering response is supplied to multi-level symbol decision circuitry to recover bit-serial digital data transmitted by the BPSK; and the bit-serial digital data is supplied to a decoder that corrects the digital information in the data using forward-error-correcting codes contained therein.” {See Limberg, Id., col. 3 line 23 et seq.}.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the procedure in Koo by including therein error coding scheme as taught by Limberg, because such modification would provide the procedure disclosed in Koo with a technique whereby “data protection is enhanced.” {See Limberg, col. 3 line 23 et seq.}

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

- Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

or faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Customer Services, 220 20th Street S., Crystal Plaza II, Lobby, Room 1B03, Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (571) 272-3826. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Guy J. Lamarre, P.E.
Primary Examiner
6/13/2005
